

REMARKS

The foregoing amendment and the following arguments are provided generally to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

Rejections Under 35 U.S.C. §103(a)

Claims 1, 4-5, 7-8, 10, 21, 24-25, 27-28, 30 and 46-50 were rejected under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. 2001/0044751 (Pugliese), in view of U.S. Patent Application Publication No. 2001/0027481 (Whyel) and further in view of U.S. Patent No. 6,798,753 (Doganata) and further in view of U.S. Patent No. 6,076,093 (Pickering) and further in view of U.S. Patent No. 6,917,610 (Kung). Applicant respectfully disagrees.

Applicant respectfully submits that the rejection should be based on the teaching of the references, not based on the invention as claims. In the Office Action, the Examiner stated that

“The Examiner notes that an appointment system such as the claimed invention is more likely to be implemented ...”

which shows that the Examiner was attempting to make the rejection based on the teaching and suggestions inspired by the invention as claimed. Although hindsight view is difficult to avoid, Applicant respectfully requests the Examiner to consider what the references actually teach, rather than merely using the claims as a template to piece together the features from the references.

Applicant respectfully submits that Pugliese is limited to provide personal assistance in shopping in an online shopping system. In Pugliese, the assistant (SLA) “acts just like a sales person in a retail setting” (see, abstract, Pugliese). In view of Pugliese and other references cited by the examiner, an ordinary person would not convert the Pugliese system into a portal for advisors to sell their advices on various different fields, at prices.

For example, claim 1 recites:

1. (Currently Amended) A method implemented on a data processing system, the method comprising:
storing, in a database coupled to the data processing system, information about a set of service providers, the information including a service offer from each of the service providers to provide a separate service to customers over a communication connection provided by the data processing system and a price specified by a respective service provider for the service;
providing, by the data processing system, a list of service providers, based on the information stored in the database, to a service seeker via an internet connection, the list indicating individually service offers from the list of service providers and whether each service provider in the list of service providers is currently available to provide live advice to the service seeker at a time when the service seeker is viewing the list;
receiving, by the data processing system from a service seeker, an appointment request for a live advice communication with a selected service provider during a service seeker specified appointment time, after the service seeker selects the selected service provider from the list;
communicating, by the data processing system, with the selected service provider to determine whether the selected service provider is available during the service seeker specified appointment time;
scheduling, by the data processing system, a live advice communication appointment between the service seeker and the selected service provider, after the selected service provider accepts the appointment request;
at the service seeker specified appointment time, initiating by the data processing system a first real time communication connection with the selected service provider;

establishing, by the data processing system, a second real time communication connection with the service seeker;
after establishing the first real time communication connection with the selected service provider,
connecting the first and second real time communication connections by the data processing system to allow the selected service provider to provide live advice to the service seeker at the scheduled appointment,
monitoring, by the data processing system, time spent on the live advice, and
billing, by the data processing system, the service seeker on behalf of the selected service provider based on the time spent on the live advice; and
if at the service seeker specified appointment time the selected service provider is unavailable for the first real time communication connection,
identifying, by the data processing system, a relevant field of service of the selected service provider base on the information stored in the database,
determining, by the data processing system, a highest ranking service provider in the relevant field of service, and
connecting, by the data processing system, the service seeker to the highest ranking service provider in the relevant field of service. [Emphasis Added]

Pugliese, in view of other references cited by the examiner, does not suggest “storing, in a database coupled to the data processing system, information about a set of service providers, the information including a service offer from each of the service providers to provide a separate service to customers over a communication connection provided by the data processing system and a price specified by a respective service provider for the service.” An ordinary person would not convert the Pugliese system into such a database as claimed in claim 1, since the SLA in

Pugliese merely “acts just like a sales person in a retail setting.” A sales person in a retail setting does not charge the customers for talking to the customer.

Further, the Pugliese system, in view of other references cited by the examiner, would not have the feature of “if at the service seeker specified appointment time the selected service provider is unavailable for the first real time communication connection, identifying, by the data processing system, a relevant field of service of the selected service provider base on the information stored in the database, determining, by the data processing system, a highest ranking service provider in the relevant field of service, and connecting, by the data processing system, the service seeker to the highest ranking service provider in the relevant field of service” recited in claim 1.

In dependent claims 21 and 46 recite similar limitations. Thus, independent claims 1, 21 and 46 and their dependent claims are patentable over the cited references.

Thus, at least for the above reasons, the pending claims are patentable over the cited references.

CONCLUSION

It is respectfully submitted that all of the Examiner’s objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

Respectfully submitted,

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/Lehua Wang/
Lehua Wang
Reg. No. 48,023

GREENBERG TRAURIG, LLP
CUSTOMER NUMBER **72262**
1900 University Avenue, Fifth Floor
East Palo Alto, CA 94303
Phone: (650) 328-8500
Fax: (650) 328-8508